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OFFICE OF ASSISTANT SECRETARY OF DEFENSE  
Washington 25, D. C.

October 5, 1953

Legislative and Public Affairs

Dear Mr. Dodge:

There is inclosed herewith a draft of legislation, "To amend further the Missing Persons Act, as amended," together with a copy of a proposed letter to the Congress recommending its enactment. This proposal is a part of the Department of Defense Legislative Program for 1954.

The inclosed draft of bill incorporates some of the suggestions made by the Bureau of the Budget in its letter of July 27, 1953 commenting on a proposal to amend the Missing Persons Act which was a part of the Department of Defense Legislative Program for 1953.

The recommendation concerning civilian personnel serving in the United States has been adopted and the inclosed draft of bill excludes such employees from coverage under the Missing Persons Act. Under current provisions of law (50 U.S.C. App. 1001) civilian officers and employees of the Federal Government during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis, are entitled to benefits under the Missing Persons Act. However, with regard to Federal employees who are appointed to serve on a part-time or intermittent basis it should be noted that many of such employees serve in overseas areas in capacities as technical experts and consultants. It is believed that such employees who, as a proximate result of their employment, are missing, interned, captured, or otherwise restrained, should be entitled to the provisions of the Missing Persons Act the same as full-time employees overseas. For this reason, the Department of Defense requests the Bureau of the Budget to reconsider its views in opposition to providing coverage for such employees under the Missing Persons Act.

With regard to the comments on section 1(b) of the draft of bill which would provide authority for payments on account of persons in a missing status, it is noted that it is the view of the Bureau of the Budget that any officer or enlisted man who enters a missing or captured status should not be entitled to an increase in grade or

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position during such status unless he becomes eligible for promotion "either as a result of action initiated prior to his absence or by operation of law." It is the view of the Department of Defense that any officer or enlisted man who is in the zone of consideration for promotion, should be considered for promotion, and if selected, promoted even though he may be in a missing status or had the misfortune of being taken by the enemy. It is felt that military personnel in a missing or captured status should not be deprived of the normal promotion opportunities to which they would be entitled had they continued in a normal duty status.

The inclosed draft of bill incorporates a revision in language in the amendments to section 12 of the Missing Persons Act to provide that dependents, next of kin, and such other individuals who may have a substantive interest in the return of the household and personal effects, or upon the person's own application if injured, may designate the location to which such effects may be shipped. A further provision is incorporated to authorize the head of the department concerned to store effects of the person concerned until such time as proper disposition can be made.

The Bureau of the Budget's recommendation to make the basic act retroactive to the date of enactment of the Selective Service Act of 1948 (June 24, 1948) has been adopted.

In view of the foregoing, the Department of Defense requests that the Bureau of the Budget reconsider its views of July 27, 1953, and permit the Department to sponsor the inclosed proposal. It is requested that action on this matter be completed as soon as possible since the Missing Persons Act, under the current provisions of law (Public Law 16, 83rd Congress), will terminate February 1, 1954 and early consideration of this legislation is necessary.

Sincerely yours,

(signed) Richard A. Buddeke  
For the Assistant Secretary

Inclosures

Honorable Joseph M. Dodge  
Director  
Bureau of the Budget